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November 5, 2019

**VIA ECF**

Hon. Louis A. Scarella  
United States Bankruptcy Court  
Eastern District of New York  
Alfonse M. D'Amato Federal Courthouse  
290 Federal Plaza  
Central Islip, New York 11722

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RE: Rehana Naz Qazi v. Windward Bora, LLC  
Adv. Proc. No. 8-19-08100-las

Dear Honorable Judge Scarella:

We are counsel for Defendant Windward Bora, LLC (“Defendant”) in the above referenced action (the “Instant Action”). We write in response to the order dated August 28, 2019 setting a pretrial conference in the Instant Action (the “Pretrial Conference Order”). Per the Pretrial Conference Order, we reached out to Plaintiff Rehana Naz Qazi (“Plaintiff”) to submit a joint letter, however, Plaintiff’s counsel has failed to answer any of our emails. Since the deadline for the letter is today, Defendant had no choice but to submit the letter without Plaintiff. Per the Pretrial Conference Order, Defendant writes to discuss: (i) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (ii) any contemplated motions; (iii) a brief description of any discovery that has already taken place; and (iv) the prospect for settlement.

**Description of Case**

This is an action under 11 U.S.C. §506(a) and 506(d) and Federal Rules of Bankruptcy Procedure Rules 3012, 6009 and 7001 et seq. determining the extent to which the claim of Defendant is secured and unsecured (the “Adversary Proceeding”). On July 22, 2019, Plaintiff filed for bankruptcy in the United States Bankruptcy Court for the Eastern District of New York (the “Bankruptcy”). *See, In Re Rehana Naz Qazi*, Bankruptcy Petition #: 8-19-75114-las. On September 30, 2019, Defendant, holder of Plaintiff’s second position mortgage, filed a proof of claim against Plaintiff.

On August 27, 2019, Plaintiff filed a complaint in the Adversary Proceeding (the “Complaint”). Per Plaintiff’s Complaint, Plaintiff alleges that the value of the

property, based on their appraisal report for the property, is not enough to fully pay off the first position mortgage on the property. As such, Defendant allegedly has an unsecured claim in the Adversary Proceeding.

On September 17, 2019, Defendant filed an answer to Plaintiff's complaint (the "Answer"). Per Defendant's Answer, Defendant alleges that they have a defense based on documentary evidence, specifically their own appraisal, which values the property higher than Plaintiff's appraisal does. As such, Defendant alleges that they have a secured claim against Plaintiff in the Adversary Proceeding.

Contemplated Motions

Defendant intends to file a motion for summary judgment.

Discovery

No discovery has taken place yet in the Adversary Proceeding.

Settlement

On October 8, 2019, Plaintiff offered to settle the loan with Defendant for \$25,000 (the "Settlement Offer"). On October 16, 2019, Defendant rejected the Settlement Offer. No other settlement negotiations have taken place. However, neither side has expressed an unwillingness to future settlement negotiations.

We thank the Court for its consideration of this matter.

Thank you,

*/s/Barry M. Golden*  
Barry M. Golden, Esq.  
*Counsel for Defendant*